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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 17.11.2015

CRL.A. 543/2009 & CRL.M.(BAIL) 7984/2015

RAJ KUMAR

..... Appellant

Through: Mr. Sarvesh Singh and Mr. K.K.
Singh, Advocates

versus

NORTH DELHI POWER LTD.

..... Respondent

Through: Mr. Abhimanyu Singh Khatri,
Advocate for Mr. Vikram Nandrajog,
Advocate

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an appeal under Section 397 of the Code of Criminal Procedure, 1973 (Cr.P.C.) praying as follows:-

- “(a) To summon the Trial Court Record. Similar petitionis not pending before any Hon’ble Court of law;
- (b) To set aside the impugned orders dated 16.05.2008 and 19.05.2008 which passed by Special Court of Sh. D.K. Malhotra, AD&SJ, Rohini Courts, Delhi in the interest of justice.
- (c) Any other order/orders which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Counsel appearing on behalf of the appellant as well as counsel appearing on behalf of the respondent state that they have arrived at an amicable resolution of the dispute that lead to the institution of the present case on the allegation of theft of electricity. A sum of Rs.11,000/- has been received on behalf of the respondent-North Delhi Power Limited in Court today towards full and final settlement of all their outstanding claims qua the appellant in the subject case.

3. Counsel appearing on behalf of the respondent-North Delhi Power Limited fairly does not oppose the appeal and has no objection if the appeal is accepted and disposed of as compounded.

4. In view of the above statement made by learned counsel for respondent No.2, the appeal is accepted in terms of the settlement. The appeal is allowed and the impugned orders dated 16.05.2008 and 19.05.2008 is set aside. The appellant is accordingly acquitted of all the charges.

5. The appeal is disposed of accordingly. The pending application also stands disposed of.

SIDDHARTH MRIDUL, J

NOVEMBER 17, 2015

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